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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,633	11/18/2003	Jen-Hwang Weng	BHT-3167-165	3261

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BRUCE H. TROXELL  
SUITE 1404  
5205 LEESBURG PIKE  
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EXAMINER
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BECKER, SHASHI KAMALA

ART UNIT	PAPER NUMBER
2179	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,633	<b>Applicant(s)</b> WENG ET AL.	
	<b>Examiner</b> Shashi K. Becker	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. A preliminary examination of this application reveals that it includes terminology, which is so different from that which is generally accepted in the art to which this invention pertains that a proper search of the prior art cannot be made. For example: visible driving object, virtual manipulation mechanism, object designating mechanism, behavior-designating mechanism.

Applicant is required to provide a clarification of these matters or correlation with art-accepted terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitations, "visible driving object, virtual manipulation, object designating mechanism, behavior designating mechanism,

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and virtual manipulation mechanism" do not comply with the written description requirement.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitations, "visible driving object, virtual manipulation, object designating mechanism, behavior designating mechanism, and virtual manipulation mechanism" do not comply with the enablement requirement.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether claimed limitation, in claim 1, whether "driving object" in line 3, is the same as "at least one object" in line 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leahy et al (hereinafter Leahy) US Patent 7181690 in view of Segond et al (hereinafter Segond) US 2004/0078204.

- In regards to claim 1, Leahy teaches a method to virtually manipulate a digital content which comprises at least one object, comprising at least one behavior (column 3 lines 31-34); the method at least comprising steps of: providing a visible driving object in the digital content the visible driving object having a plurality of statuses and being able to actively change a current status according to an manipulation demand of the digital content (column 5 lines 19-35); designating the object according to a first status of the visible driving object; designating the behavior according to a second status of the visible driving object; and manipulating virtually the behavior of the object (column 5 lines 19-35).
- In regards to claim 2, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the digital content is a software program (column 14 lines 6-18).

- In regards to claim 3, Leahy teaches the above limitations (see claim 1 *supra*). However, Leahy does not specifically teach, wherein the digital content is a teaching document.

Second teaches a system for learning a language in a virtual environment.

Second further teaches wherein the digital content is a teaching document (page 3 paragraph [0035]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Leahy to include the teachings of Second in order to interact with other users in a different language. One would have been motivated to make such a combination in order to provide a cognitive context in which users learn (page 1 paragraph [0009]).

- In regards to claims 4 and 13, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches, wherein the behavior is selected from at least on group consisting of an event, a method and a property (column 3 lines 31-34).

- In regards to claims 5 and 14, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the plurality of statuses are selected at least one from a group consisting of a location of the visible driving object, an appearance of the visible driving object, and a speech sound of the visible driving object (column 5 lines 19-35).

- In regards to claim 6, Leahy teaches the above limitations (see claim 1 *supra*). Leahy does not specifically teach wherein the software program is teaching software.

Second teaches a system for learning a language in a virtual environment.

Second further teaches wherein the digital content is a teaching document (page 3 paragraph [0035]). It would have been obvious to one of ordinary skill in the art at the time of the invention for the reasons stated above (see claim 3 *supra*).

- In regards to claims 7 and 15, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the appearance of the visible driving object is an action (column 2 line 65-column 3 line 3).
- In regards to claim 8, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the step of designating object is to designate the object according to the position of the visible driving object (column 2 line 65-column 3 line 3).
- In regards to claim 9, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the step of designating behavior is to designate the behavior according to the action of the visible driving object (column 7 lines 15-35).
- In regards to claims 10 and 18, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the first status is different to the second status (column 5 lines 19-35).
- In regards to claims 11 and 19, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the first status is identical with the second status (column 5 lines 19-35).

- In regards to claim 12, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches a website system virtually manipulating a web page, for virtually manipulating the web page in a web browser of a client computer apparatus, the website system comprising: a communication interface for setting up a communication link with the client computer apparatus (column 3 lines 47-55); a memory for at least saving the web page and a visible driving object, the web page being displayed on the web browser of the client computer apparatus via the communication link (column 4 lines 5-35), the web page comprising at least an object the object comprising at least a behavior (column 3 lines 31-34), the visible driving object being downloaded to the web browser via the communication link, the visible driving object having a plurality of statuses and being able to actively change a current status according to a manipulation demand of the web page (column 5 lines 19-35); a object-designating mechanism which is downloaded to the web browser via the communication link for designating the object according: to a first status of the visible driving object (column 5 lines 19-35); a behavior-designating mechanism which is downloaded to the web browser via the communication link for designating the behavior according to a second status of the visible driving object( column 5 lines 19-35); and a virtual manipulation mechanism which is downloaded to the web browser via the communication link for virtually manipulating the behavior of the object (column 3 lines 29-34).



- In regards to claim 16, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the object-designating mechanism designates the object according to the position of the visible driving object (column 5 lines 19-35).
- In regards to claim 17, Leahy teaches the above limitations (see claim 1 *supra*). Leahy further teaches wherein the behavior-designating mechanism designates the behavior according to the action of the visible driving object (column 7 lines 15-35).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al teaches a virtual space apparatus with avatars and speech. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**BA HUYNH**  
**PRIMARY EXAMINER**

